

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In Re Application of: Confirmation Number: 1974  
Moore Group Art Unit: 2194  
Serial No.: 10/642,309 Examiner: Wu, Qing Yuan  
Filed: August 18, 2003 Docket No.: 060707-1330  
For: Operating System for Executing Computer Software Applications

**RENEWED PETITION UNDER 37 C.F.R. § 1.47 TO ACCEPT FILING OF APPLICATION  
MADE ON BEHALF OF AN INVENTOR WHO CANNOT BE FOUND OR REACHED AFTER  
DILIGENT EFFORT**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In order to preserve proprietary interest in the above listed application, the Assignee (Brooktree Broadband Holding Inc.), hereby petitions to accept the filing of U.S. utility application, having serial no. 10/642,309, filed on August 18, 2003, said filing made on behalf of the sole inventor Mark Justin Moore. At the time of filing, Mark Justin Moore executed a declaration (Exhibit A), which was denied by the U.S. Patent and Trademark Office (USPTO). Despite Applicant's arguments regarding the sufficiency of the executed Declaration, the USPTO was unwilling to accept the Declaration. Since filing of the Declaration, Mark Justin Moore has ceased his employment with the Assignee and has been unreachable, as indicated below.

Pursuant to 37 C.F.R. § 1.47, enclosed is a copy of the filed Declaration (Exhibit A), proof that the sole inventor, Mark Justin Moore, is unreachable (Exhibit C), the required fee under 37 C.F.R. § 1.17 (h), and a potential last known address of sole inventor.

In response to the guidance provided by the Office of Petitions, and as required by MPEP 409.03 (d), Petitioner submits the following in an effort to address the suggestions of MPEP 409.03 (d):

**Exhibit A** The original executed Declaration.

**Exhibit B** Assignment data, as follows:

**Exhibit B1** Executed Assignment from Mark Justin Moore to Globespan Virata;

**Exhibit B2** Recordation Assignment data from the USPTO illustrating recordation from Mark Justin Moore to Globespan Virata;

**Exhibit B3** Assignment data from PAIR illustrating Assignment from Globespan Virata to Brooktree Broadband Holding Inc.; and

**Exhibit B4** Statement under 37 C.F.R. 3.73(b), executed by Haw-minn Lu, representative of Assignee.

**Exhibit C** Copies of documentary evidence, as follows:

**Exhibit C1** E-mail string from Patricia Dailey (pdailey@ikanos.com) to Lucy Cooney (Lucy.Cooney@Conexant.com) on October 20, 2009, showing an e-mail that Patricia Dailey sent to Mark Justin Moore on October 30, 2008;

**Exhibit C2** E-mail string from Patricia Dailey (pdailey@ikanos.com) to Lucy Cooney (Lucy.Cooney@Conexant.com) on October 20, 2009, showing an e-mail that Patricia Dailey sent and was looking for Mark Justin Moore on February 10, 2009;

**Exhibit C3** E-mail to last known e-mail addresses of Mark Justin Moore;

**Exhibit C4** E-mail to co-workers of Mark Justin Moore at Assignee requesting contact information of Mark Justin Moore;

**Exhibit C5** E-mail string from Mark Justin Moore's co-workers at Assignee stating the contact information they have;

**Exhibit C6** An Internet search on the inventor, Mark Justin Moore;

**Exhibit C7** Declaration from Kristina L. Schafer;

**Exhibit C8** Declaration from Coco M. Bailey;

**Exhibit C9** Correspondence transcript between Spanish translator and person at telephone number associated with the potential last known address of Mark Justin Moore;

**Exhibit C10** Signed letter from Anthony Bonner to Mark Justin Moore; and

**Exhibit C11** Registered mail signed receipt for letter of Exhibit C10 to the potential last known address of Mark Justin Moore.

**Exhibit D** Oath from Haw-minn Lu, a representative authorized to sign on behalf of Assignee.

Insofar as Petitioner has met all of the requirements of MPEP 409.03(d), Petitioner respectfully requests the granting of this petition.

### Summary

The present application was filed with a Declaration (Exhibit A) on August 18, 2003. At that time Mark Justin Moore was employed by Globespan Virata and the present application was assigned accordingly (Exhibits B1, B2). Mark Justin Moore was employed by Globespan Virata until December 10, 2002. Two years later Conexant Systems, Inc. and Globespan Virata merged and the present application was assigned to Brooktree Broadband Holding, Inc., which is a wholly owned subsidiary of Conexant Systems, Inc. (Exhibit B2). The Assignee's records show a last known address for Mark Justin Moore as 7 George Street, Cambridge, CB 4 1AL, UK.

The USPTO first rejected the Declaration in a Office Action mailed July 2, 2007 because "The oath or declaration is defective because: It does not state that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought." During prosecution, the Assignee's attorney, Anthony Bonner, argued against this assessment of the filed Declaration, with no success.

Despite the validity of Mr. Bonner's arguments, the Assignee has attempted to locate Mark Justin Moore to execute a new declaration. More specifically, Patricia Dailey (Conexant Employee at the time of filing) sent an email to Mark Justin Moore on October 30, 2008 requesting his signature on the new Declaration (Exhibit C1). When Ms. Dailey did not receive a response she sent an email on February 10, 2009 to the general mail box for the company Mark Justin Moore was believed to be employed by (Exhibit C2). After still not receiving a response to this email, Mr. Bonner sent an email to Mark Justin Moore on October 23, 2009 requesting his signature (Exhibit C3). Mr. Bonner also sent an email to Brian Knight and Martin Jackson (Mark Justin Moore's co-workers while Mr. Moore worked at the Assignee) on October 23, 2009 requesting Mark Justin Moore's current contact information (Exhibit C4). On October 26, 2009 Brian Knight replied to Mr. Bonner's email with the same contact information Patricia

Dailey and Anthony Bonner had used in previous attempts to locate Mr. Moore (Exhibit C5). At this time, Anthony Bonner performed multiple Internet searches for Mark Justin Moore (Exhibit C6) with only three telephone numbers being found. Anthony Bonner then asked Kristina Schafer to contact Mark Justin Moore at the three numbers found in the search and other numbers identified as being associated with Mark Justin Moore's last known address (both in the United Kingdom and Spain). On at least four separate occasions, Kristina Schafer attempted to contact Mark Justin Moore at the telephone numbers no success (Exhibit C7). Additionally, on multiple occasions, Coco Bailey attempted to (with the assistance of a Spanish law firm) contact Mark Justin Moore via written communication, also with no success (Exhibit C8).

Assignee has clearly illustrated a diligent attempt to locate the sole inventor, Mark Justin Moore. Additionally, to preserve the rights of Assignee, Conexant Systems, Inc. and to prevent irreparable damage to Assignee, Assignee respectfully requests a grant of this petition. No additional fee is deemed to be payable in connection with this Petition other than those fees included with this Petition. Should any additional fee be required, you are hereby authorized to charge any such additional fee to Deposit Account No. 50-0835.

Respectfully submitted,

/afb/

---

**Anthony F. Bonner Jr. Reg. No. 55,012**

**THOMAS, KAYDEN,  
HORSTEMEYER & RISLEY, L.L.P.**  
Suite 1500  
600 Galleria Parkway SE  
Atlanta, Georgia 30339  
(770) 933-9500

## EXHIBIT A



## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name:  
I believe that I am the original, and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## OPERATING SYSTEM FOR EXECUTING COMPUTER SOFTWARE APPLICATIONS

the specification of which:  is attached hereto.  
 was filed on: August 18, 2003  
 as United States Application No.: 10/642,309  
 or PCT International Application No.: \_\_\_\_\_  
 and was amended on: \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

And I hereby authorize and request our agents, Hunton & Williams, whose address is set forth below, to insert above, if necessary, the filing date and application number of said application when known.

## Prior Foreign Application(s)

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below by checking the box, any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

Application Number	Country	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed	
				Yes <input type="checkbox"/>	No <input type="checkbox"/>
				Yes <input type="checkbox"/>	No <input type="checkbox"/>
				Yes <input type="checkbox"/>	No <input type="checkbox"/>

HUNTON & WILLIAMS  
 Intellectual Property Department  
 1800 K Street, N.W.  
 Suite 1000

Washington, DC 20006-1109  
 (202) 955-1500 (telephone); (202) 778-2201 (facsimile)

**Prior Provisional Application(s)**

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number	Date of Filing (day, month, year)
60/403,660	August 16, 2002

**Prior United States Application(s)**

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	Date of Filing (day, month, year)	Status - Patented, Pending, Abandoned

And I hereby appoint, both jointly and severally, as my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the Hunton & Williams attorneys and agents associated with

CUSTOMER NUMBER

21967

All correspondence and telephone communications should be addressed to:

CUSTOMER NUMBER

21967

corresponding to the law firm of Hunton & Williams; Intellectual Property Department; 1900 K Street, N.W.; Suite 1200; Washington, DC 20006-1109; telephone number (202) 955-1500; facsimile number (202) 778-2201.

HUNTON & WILLIAMS  
Intellectual Property Department  
1900 K Street, N.W.  
Suite 1200

Washington, DC 20006-1109  
(202) 955-1500 (telephone); (202) 778-2201 (facsimile)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

**NAME OF FIRST INVENTOR:** A petition has been filed for this unsigned inventorSignature Date May 25, 2004Given Name  
(first and middle (if any)) **Mark Justin**Family Name  
or Surname **MOORE**Citizenship: **British**

Residence

(City, State): **Cambridge, UK**Mailing Address: **7 George Street, Cambridge CB4 1 AL UK**

# EXHIBIT B1

Docket No. 060707-1330 (GV 216)  
Page 1 of 3  
(Patent Assignment)

## ASSIGNMENT OF UTILITY PATENT APPLICATION

WHEREAS, the following parties:

Name

Address

Mark Justin Moore

C/Ferlandina 43 - 4<sup>o</sup>2<sup>a</sup>, 08001 Barcelona, Spain

hereinafter referred to as ASSIGNOR, has/have invented certain new and useful improvements ("invention(s)") as described and set forth in the below-identified utility application for United States Letters Patent entitled:

### OPERATING SYSTEM FOR EXECUTING COMPUTER SOFTWARE APPLICATIONS

which was:

executed on even date herewith,  
filed with the United States Patent and Trademark Office (USPTO) on  
08/13/2003, and assigned Serial No. 10/642,309, and  
further described in the U.S. Provisional application filed with the USPTO on  
08/16/2002, and assigned Serial No. 60/403,660

*Note: Only one of the first two checkboxes will be checked. The third checkbox will be checked, only if appropriate.*

WHEREAS, GlobespanVirata Incorporated, having a place of business at 100 Schulz Drive, Red Bank, NJ 07701 USA, hereinafter referred to as ASSIGNEE, is desirous of acquiring ASSIGNOR'S interest in and to said invention(s), said utility application, said provisional application, and any U.S. and foreign patents which are related to the same.

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by ASSIGNOR, ASSIGNOR has sold, assigned and transferred and does hereby sell, assign and

transfer unto ASSIGNEE, and ASSIGNEE'S successors and assigns, (a) the entire right, title and interest, for the United States of America, in and to said invention(s), said utility application, and said provisional application and all the rights and privileges in any application and under any and all patents that may be granted in the U.S. for said inventions, including all corresponding provisional, continuation, continuation-in-part, divisional, reissue, and reexamination applications; and (b) the entire right, title and interest in and to said invention(s), said utility application, and said provisional application for all countries foreign to the U.S., including all rights of priority arising from them, and all the rights and privileges under any and all forms of protection, including patents, that may be granted in said countries foreign to the U.S. for them.

ASSIGNOR authorizes ASSIGNEE to make application for such protection in its own name and maintain such protection in any and all countries foreign to the U.S., and to invoke and claim for any application for patent or other form of protection for said inventions, without further authorization from ASSIGNOR, any and all benefits, including the right of priority provided by any and all treaties, conventions, or agreements.

ASSIGNOR hereby consents that a copy of this assignment shall be deemed a full legal and formal equivalent of any document which may be required in any country in proof of the right of ASSIGNEE to apply for patent or other form of protection for said inventions, said utility application, or said provisional application and to claim the aforesaid benefit of the right of priority.

ASSIGNOR requests that any and all patents for said inventions be issued to ASSIGNEE in the U.S. and to ASSIGNEE in all countries foreign to the U.S., or to such nominee as ASSIGNEE may designate.

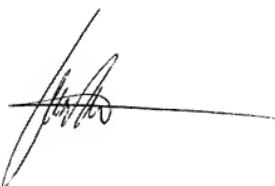
ASSIGNOR covenants and agrees that, when requested, ASSIGNOR shall, without charge to ASSIGNEE but at ASSIGNEE'S expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable, or convenient in connection with the patent applications, patents, or other forms of protection of said invention(s), and for the defense and protection thereof if challenged in the court of law.

ASSIGNOR authorizes ASSIGNEE or its agents to insert, on ASSIGNOR's behalf, the filing date and/or serial number above pertaining to the utility application and/or the provisional application, if not known as of the date of execution of this document.



---

**Mark Justin Moore**  
Date: 14th October 2008



---

Witness: Marco Madella  
Date: 14th October 2008

):ANTHONY F. BONNER COMPANY:600 GALLERIA PARKWAY

**EXHIBIT B2****UNITED STATES PATENT AND  
TRADEMARK OFFICE****Facsimile Transmission**

To: Name: ANTHONY F. BONNER  
Company: 600 GALLERIA PARKWAY  
Fax Number: 17709510933  
Voice Phone:

From: Name: ASSIGNMENT SERVICES BRANCH  
Voice Phone: 571-272-3350

37 C.F.R. 1.6 sets forth the types of correspondence that can be communicated to the Patent and Trademark Office via facsimile transmissions. Applicants are advised to use the certificate of facsimile transmission procedures when submitting a reply to a non-final or final Office action by facsimile (37 CFR 1.8(a)).

**Fax Notes:**

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Pg#	Description
1	Cover Page
2	799.TXT
4	Document 1, Batch 1941657

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USPTO ASSIGNMENT SYSTEM PROCESSING

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Date and time of transmission: Thursday, February 18, 2010 12:45:44 PM  
Number of pages including this cover sheet: 04

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D:ANTHONY F. BONNER COMPANY:600 GALLERIA PARKWAY

**UNITED STATES PATENT AND TRADEMARK OFFICE**UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

FEBRUARY 16, 2010

PTAS

\*501083376A\*

ANTHONY F. BONNER  
600 GALLERIA PARKWAY  
SUITE 1500  
ATLANTA, GA 30339

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 02/16/2010

REEL/FRAME: 023938/0889

NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).  
DOCKET NUMBER: 60707-1330

ASSIGNEE:  
MOORE, MARK JUSTIN

DOC DATE: 10/14/2008

ASSIGNEE:  
GLOBESPAWN VIRATA INCORPORATED  
100 SCHULZ DRIVE  
RED BANK, NEW JERSEY 07701

SERIAL NUMBER: 10642309 FILING DATE: 08/18/2003  
PATENT NUMBER: ISSUE DATE:  
TITLE: OPERATING SYSTEM FOR EXECUTING COMPUTER SOFTWARE APPLICATIONS

USPTO

2/18/2010 12:45:57 PM PAGE 3/004 Fax Server

}:ANTHONY F. BONNER COMPANY:600 GALLERIA PARKWAY

023938/0889 PAGE 2

ASSIGNMENT SERVICES BRANCH  
PUBLIC RECORDS DIVISION

):ANTHONY F. BONNER COMPANY:600 GALLERIA PARKWAY

## PATENT ASSIGNMENT

Electronic Version v1.1  
Stylesheet Version v1.102/16/2010  
501093376

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	ASSIGNMENT

## CONVEYING PARTY DATA

Name	Execution Date
Mark Justin Moore	10/14/2008

## RECEIVING PARTY DATA

Name:	Globespan Virata Incorporated
Street Address:	100 Schulz Drive
City:	Red Bank
State/Country:	NEW JERSEY
Postal Code:	07701

## PROPERTY NUMBERS Total: 1

Property Type	Number
Application Number:	10642309

## CORRESPONDENCE DATA

Fax Number: (770)951-0933

*Correspondence will be sent via US Mail when the fax attempt is unsuccessful.*

Phone: 770-933-9500

Email: Tony.Bonner@khr.com

Correspondent Name: Anthony F. Bonner

Address Line 1: 600 Galleria Parkway

Address Line 2: Suite 1500

Address Line 4: Atlanta, GEORGIA 30339

CH \$40.00 10642309

ATTORNEY DOCKET NUMBER: 80707-1330

NAME OF SUBMITTER: Anthony F. Bonner

Total Attachments: 3

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101642,309

Operating system for executing computer software applications

P7

<a href="#">Select</a>	<a href="#">Applications by Attorney/Doctor</a>	<a href="#">Application Data</a>	<a href="#">Previous History</a>	<a href="#">Image File Wrapper</a>	<a href="#">Community Data</a>	<a href="#">Published Document</a>	<a href="#">Address &amp; Document Status/MyAgent</a>	<a href="#">Assignments</a>	<a href="#">Display References</a>	<a href="#">Published Review</a>
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**Assignments Data****Patent Assignment Abstract of Title**

Total Assignments: 2

Filing Date: 09/18/2003

Patent #: 6,704,916

Issue Date:

Pub Date: 02/25/2004

Application #: 10/642,309

PCT #: N/A

Publication #: US20040013593

Filing Date: 08/20/2002

Assignee:

Mark Leslie Morris

Page: 14

Inventor: Mark Leslie Morris

Title: Operating system for executing computer software applications

Assignment # 1

Received: 02/21/2007

Recorded: 12/10/2007

Mailed: 02/01/2007

Page: 14

Assignee: GLOBEOPANAMA, INC

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS)

Exec. Off: 02/24/2004

Assignee: BRIGHTTEK END-TO-END HOLDING, INC

Assignee:

EIN: 01-3723248

Assignee: NEWPORT SEARCH, CALIFORNIA 92660

Correspondent:

Page: 47

Correspondent: DENNIS HORNIG

Rec'd From: 01/03/1993

Correspondent: CHOCOLATE CHIP CO. LLP

Received: 02/21/2006

Correspondent: 100 BROADWAY, SUITE 1100

Recorded: 12/04/2006

Correspondent: NEW YORK, NY 10006

Mailed: 12/04/2006

Correspondent: CHOCOLATE CHIP CO. LLP

Exec. Off: 10/13/2006

Correspondent: 100 BROADWAY, SUITE 1100

Page: 47

Correspondent: NEW YORK, NY 10006

Correspondent: CINCINNATI, OH 45204

Correspondent: OMRIEL AHRENS

Correspondent: CHOCOLATE CHIP CO. LLP

Correspondent: 100 BROADWAY, SUITE 1100

Correspondent: NEW YORK, NEW YORK 10006

**Assignment # 2**

Received: 11/21/2006

Assignee: SOCIETY AGREEMENT

Received: 12/21/2006

Assignee: BRIGHTTEK BROADBAND HOLDING, INC

Recorded: 12/04/2006

Assignee: BANK OF NEW YORK TRUST COMPANY, N.A., THE

Mailed: 12/04/2006

Assignee: 227 WEST 57TH STREET, 28TH FLOOR

Exec. Off: 10/13/2006

Assignee: CHOCOLATE CHIP CO. LLP

Page: 47

Assignee: NEW YORK, NY 10006

Assignee: CINCINNATI, OH 45204

Assignee: OMRIEL AHRENS

Assignee: CHOCOLATE CHIP CO. LLP

Assignee: 100 BROADWAY, SUITE 1100

Assignee: NEW YORK, NEW YORK 10006

Assignee: CINCINNATI, OH 45204

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Assignee: CINCINNATI, OH 45204

Assignee: OMRIEL AHRENS

Assignee: CHOCOLATE CHIP CO. LLP

Assignee: 100 BROADWAY, SUITE 1100

Assignee: NEW YORK, NEW YORK 10006

Assignee: CINCINNATI, OH 45204

Assignee: OMRIEL AHRENS

Assignee: CHOCOLATE CHIP CO. LLP

Assignee: 100 BROADWAY, SUITE 1100

Assignee: NEW YORK, NEW YORK 10006

Assignee: CINCINNATI, OH 45204

Assignee: OMRIEL AHRENS

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Assignee: OMRIEL AHRENS

Assignee: CHOCOLATE CHIP CO. LLP

Assignee: 100 BROADWAY, SUITE 1100

Assignee: NEW YORK, NEW YORK 10006

Assignee: CINCINNATI, OH 45204

Assignee: OMRIEL AHRENS

Assignee: CHOCOLATE CHIP CO. LLP

Assignee: 100 BROADWAY, SUITE 1100

Assignee

# EXHIBIT B4

PTO/SB/06 (07-09)

Approved for use through 07/31/2012. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Mark Justin Moore

Application No./Patent No.: 10/642,309

Filed/Issue Date: Filed August 18, 2003

Titled: Operating System for Executing Computer Software Applications

Brooktree Broadband Holding Inc. a Corporation

(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- the assignee of the entire right, title, and interest in;
- an assignee of less than the entire right, title, and interest in  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %); or
- the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made) the patent application/patent identified above, by virtue of either:
  - An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy therefore is attached.

OR

A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet(s).

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.



Signature

April 29, 2010

Date

Registered Patent Agent

Title

Printed or Typed Name

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

# EXHIBIT C1

## Schafer, Tina

---

**From:** Patricia Dailey [pdailey@ikanos.com]  
**Sent:** Tuesday, October 20, 2009 10:32 AM  
**To:** Lucy Cooney  
**Subject:** FW: Need one more signature for patent application 10/642,309  
  
**Attachments:** 20060168589.pdf; GV216 new declaration.pdf



20060168589.pdf GV216 new  
f (2 MB) declaration.pdf (11)

The declaration I last sent to him.

-----Original Message-----

From: Patricia Dailey  
Sent: Thursday, October 30, 2008 1:07 PM  
To: 'Mark Moore'  
Cc: Dennis Gallagher; Haw-min Lu  
Subject: Need one more signature for patent application 10/642,309

Re: U.S. Patent Application No. 10/642,309; filed August 18, 2003 (copy attached)  
Title: Operating System for Executing Computer Software Applications

Hi Mark,

The Declaration that you signed and sent to me somehow scrambled words in the first paragraph when you added your address, and I need to ask you to sign it again. I have used a different form this time, and all you need to do is print it out, if correct, sign and date and email to me. Or via fax is fine; see my fax number below.

If you have questions, let me know. Thanks again.

Best regards,

Pat Dailey  
IP Paralegal - Conexant Systems, Inc.  
100 Schulz Drive  
Red Bank, NJ 07701  
Tel: 732.345.6603  
Fax: 866.413.4994

## EXHIBIT C2

Schafer, Tina

---

**From:** Patricia Dailey [pdailey@ikanos.com]  
**Sent:** Tuesday, October 20, 2009 10:30 AM  
**To:** Lucy Cooney  
**Subject:** FW: I am looking to contact Mark Moore  
**Attachments:** GV216 new declaration.pdf

The latest. Never heard back.

---

**From:** Patricia Dailey  
**Sent:** Tuesday, February 10, 2009 11:55 AM  
**To:** 'information@alquanto.com'  
**Subject:** I am looking to contact Mark Moore

Please forward this message to Mark Moore. If you can, please respond back to me with Mark's contact information in Spain. Much appreciated.

Cheers!

Pat Dailey  
IP Paralegal  
Conexant Systems, Inc.  
100 Schulz Drive, Red Bank, NJ 07701  
Tel (732) 345-6603  
Fax (866) 413-4994

-----previous message-----

Addressed to mark.moore@alquanto.com

Re: U.S. Patent Application No. 10/642,309; filed August 18, 2003 (copy attached)  
Title: Operating System for Executing Computer Software Applications

Hi Mark,

The Declaration that you signed and sent to me somehow scrambled words in the first paragraph when you added your address, and I need to ask you to sign it again. I have used a different form this time, and all you need to do is print it out, if correct, sign and date and email to me. Or via fax is fine; see my fax number below.

If you have questions, let me know. Thanks again.

Best regards,

Pat Dailey  
IP Paralegal - Conexant Systems, Inc.  
100 Schulz Drive  
Red Bank, NJ 07701  
Tel: 732.345.6603  
Fax: 866.413.4994

## EXHIBIT C3

Schafer, Tina

**From:** Bonner, Tony  
**Sent:** Friday, October 23, 2009 1:11 PM  
**To:** 'mark@alquanto.com'  
**Cc:** 'information@alquanto.com'; 'Lucy Cooney'; Campbell, Julie; Schafer, Tina  
**Subject:** 10/642,309 (060707-1330/GV216) patent application documents  
**Attachments:** Original Declaration as filed (00649798).PDF; Drawings (01039859).PDF; Application (01039773).PDF; New Assignment (01039855).PDF; New Declaration (01039854).PDF

Mr. Moore,  
My name is Tony Bonner. I am a patent attorney with the law firm of Thomas|Kayden. I am currently prosecuting a patent application (Serial Number 10/642,309) on which you are an inventor. Apparently, when the case was filed, there was a slight error in the documents that you signed and the US Patent Office is requesting that you re-sign these documents. While we can proceed without this signature, it would be much easier for everyone if you could re-sign the attached documents (with witness signatures where appropriate). For your convenience, I have attached the filed application, a new assignment, and a new declaration for you to sign. If you could review the application to ensure that this is the application that represents your invention and (if this is that application), sign the attached declaration (including filling in your address and citizenship) and assignment, I would sincerely appreciate it. Return via fax or email will be the easiest method of response.

If you have any questions whatsoever, feel free to contact me at any time. Thanks so much.

Tony Bonner

**Thomas | Kayden**  
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP

600 Galleria Pkwy SE

Suite 1500

Atlanta, Georgia 30339-5994

Phone: (770) 933-9500

Fax: (770) 951-0933

tkhr.com

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## EXHIBIT C4

### Schafer, Tina

---

**From:** Bonner, Tony  
**Sent:** Friday, October 23, 2009 4:36 PM  
**To:** 'brian.knight@adventiq.com'; 'martin.jackson@artimi.com'  
**Cc:** Schafer, Tina; 'Lucy Cooney'; Campbell, Julie  
**Subject:** Contact Information for Mark Justin Moore

Brian, Martin,  
My name is Tony Bonner. I am a patent attorney with the law firm of Thomas|Kayden. I am currently prosecuting a patent application (Serial Number 10/642,309) on which Mark Justin Moore is an inventor. Apparently, when the case was filed, there was a slight error in a document that Mr. Moore signed and the US Patent Office is requesting that Mr. Moore re-sign this document. While we can proceed without this signature, it would be much easier for everyone if we could locate him to re-sign the document. As I understand it, both of you were once co-workers of Mr. Moore. If you have any contact information for him that you can send to me, I would sincerely appreciate it. If you don't have any such information, I would appreciate a response email indicating this.

Thanks in advance.

Tony Bonner

**Thomas | Kayden**  
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP

600 Galleria Pkwy SE

Suite 1500

Atlanta, Georgia 30339-5994

Phone: (770) 933-9500

Fax: (770) 951-0933

[tkhr.com](http://tkhr.com)

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## EXHIBIT C5

### Schafer, Tina

**From:** Bonner, Tony  
**Sent:** Monday, October 26, 2009 8:05 AM  
**To:** 'Brian Knight'  
**Cc:** Schafer, Tina; 'Lucy Cooney'; Campbell, Julie; [martin.jackson@artimi.com](mailto:martin.jackson@artimi.com)  
**Subject:** RE: Contact Information for Mark Justin Moore

Thanks Brian. I appreciate it.

---

**From:** Brian Knight [mailto:[brian.knight@adventiq.com](mailto:brian.knight@adventiq.com)]  
**Sent:** Monday, October 26, 2009 6:50 AM  
**To:** Bonner, Tony  
**Cc:** Schafer, Tina; Lucy Cooney; Campbell, Julie; [martin.jackson@artimi.com](mailto:martin.jackson@artimi.com)  
**Subject:** RE: Contact Information for Mark Justin Moore

Tony,

I haven't been in touch with Mark for a few years, but I think the email address [mark@alquanto.com](mailto:mark@alquanto.com) should still work.

Regards,

-- Brian

---

**From:** Bonner, Tony [mailto:[Tony.Bonner@tkhr.com](mailto:Tony.Bonner@tkhr.com)]  
**Sent:** 23 October 2009 21:36  
**To:** Brian Knight; [martin.jackson@artimi.com](mailto:martin.jackson@artimi.com)  
**Cc:** Schafer, Tina; Lucy Cooney; Campbell, Julie  
**Subject:** Contact Information for Mark Justin Moore

Brian, Martin,

My name is Tony Bonner. I am a patent attorney with the law firm of Thomas|Kayden. I am currently prosecuting a patent application (Serial Number 10/642,309) on which Mark Justin Moore is an inventor. Apparently, when the case was filed, there was a slight error in a document that Mr. Moore signed and the US Patent Office is requesting that Mr. Moore re-sign this document. While we can proceed without this signature, it would be much easier for everyone if we could locate him to re-sign the document. As I understand it, both of you were once co-workers of Mr. Moore. If you have any contact information for him that you can send to me, I would sincerely appreciate it. If you don't have any such information, I would appreciate a response email indicating this.

Thanks in advance.

Tony Bonner

**Thomas | Kayden**  
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP  
600 Galleria Pkwy SE  
Suite 1500  
Atlanta, Georgia 30339-5994  
Phone: (770) 933-9500  
Fax: (770) 951-0933

[tkhr.com](http://tkhr.com)

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# EXHIBIT C6

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[PDF] When I became Department Chair four years ago, I considered myself ...

File Format: PDF/Adobe Acrobat - [View as HTML](#)

teach with **Mark Justin Moore** at Fleming County HS, while Jeff .... dream destinations are Spain, Argentina, and Mongolia. ...

[www.moreheadstate.edu/files/.../GGH%20Newsletter%20Spr04.pdf](#) - Similar

"mark justin moore" spain

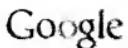
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- Try different keywords.
- Try more general keywords.
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≡ IIII ~ ~ ~

**NO RESULT FOUND**

We apologise, no entries were found for "Mark Moore".

**Always verify that :**

- \* You have not used characters type &, ", ;, :, etc.
- \* No has cometido algún error ortográfico.

**Individuals and Companies**

Fill in at least one of the three fields:

**Nombre / Razón social**

Mark

**1st Surname**

Moore

**2nd Surname**

St

**Public Organisms**

Indicate, at least, the province:

**Province**

Barcelona

**City**

Nº

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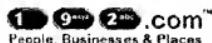
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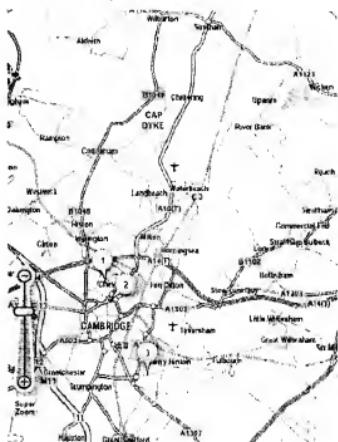
¿Estás buscando piso? encuéntralo en **Canal Inmobiliario**

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192.com Map



## 3 Free Results for Mark Justin Moore in Cambridge

1	<b>M Moore</b> 87 Alex Wood Road, Cambridge, Cambridgeshire, CB4 2EG	01223 523 811
2	<b>M Moore</b> 7 George Street, Cambridge, Cambridgeshire, CB4 1AL	01223 571 700
3	<b>M Moore</b> 103 Queen Ediths Way, Cambridge, Cambridgeshire, CB1 8PL	01223 244 202

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In Re Application of: Confirmation Number: 1974  
Moore Group Art Unit: 2194  
Serial No.: 10/642,309 Examiner: Wu, Qing Yuan  
Filed: August 18, 2003 Docket No.: 060707-1330  
For: Operating System for Executing Computer Software Applications

**EXHIBIT C7:**

**DECLARATION IN SUPPORT OF PETITION UNDER 37 C.F.R. § 1.47 TO ACCEPT  
FILING OF APPLICATION MADE ON BEHALF OF AN INVENTOR WHO CANNOT BE  
FOUND OR REACHED AFTER DILIGENT EFFORT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

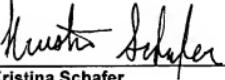
I, Kristina Schafer, declare as follows:

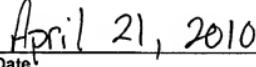
1. I am an employee Thomas, Kayden, Horstemeyer, & Risley, LLP ("TKHR"), a law firm providing legal services to Conexant Systems, Inc., the assignee of the 10/642,309 patent application.
2. On October 28, 2009 at 10:05 a.m., October 30, 2009 at 9:30 a.m., and November 3, 2009 at 8:45 a.m. I attempted to contact Mark Justin Moore at the three numbers provided in Exhibit C6. Every attempt was unanswered and no voicemail was set up on any of the numbers.
3. On April 14, 2010 I received a telephone number that we believe corresponds to the last known address of Mark Justin Moore from a Spanish law firm. We believe that this telephone number corresponds to the address identified in Exhibit C8, paragraph 5. I called the number through Ms. Danielle Qualey, a Spanish-to-English translator. The

person reached at that telephone number indicated to Ms. Qualey that Mark Justin Moore has never been an employee at that office. Additionally, the person indicated that Mark Justin Moore was not at that telephone number, that she did not know of a Mark Justin Moore, and that she did not know where to reach anyone by that name. Ms. Qualey emailed a transcript of that discussion to me (Exhibit C9).

**DECLARATION**

I hereby declare that all statements made herein are of my own knowledge are true and that all statements are made on information and belief and are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
\_\_\_\_\_  
Kristina Schafer

  
\_\_\_\_\_  
Date

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In Re Application of: Confirmation Number: 1974  
Moore Group Art Unit: 2194  
Serial No.: 10/642,309 Examiner: Wu, Qing Yuan  
Filed: August 18, 2003 Docket No.: 060707-1330  
For: Operating System for Executing Computer Software Applications

**EXHIBIT C8:**

**DECLARATION IN SUPPORT OF PETITION UNDER 37 C.F.R. § 1.47 TO ACCEPT  
FILING OF APPLICATION MADE ON BEHALF OF AN INVENTOR WHO CANNOT BE  
FOUND OR REACHED AFTER DILIGENT EFFORT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Coco Bailey, declare as follows:

1. I am an employee Thomas, Kayden, Horstemeyer, & Risley, LLP ("TKHR"), a law firm providing legal services to Conexant Systems, Inc., the assignee of the 10/642,309 patent application.
2. On February 12, 2010, I contacted a Spanish law firm (Miguel Rigueiro of Clarke Modet) to request their aide and resources for locating the sole inventor of the present application, Mark Justin Moore. Mr. Rigueiro agreed to assist in this matter.
3. Pursuant to instructions by Mr. Rigueiro, on February 12, 2010, I sent a letter to Mark Justin Moore via Federal Express, signature required (Exhibit C10). The letter was sent to Mr. Moore's last known address in Spain. Upon review of the status of delivery, we note that the package was signed for by "receptionist/front desk" on February 19, 2010

(Exhibit C11). We have received no reply to our letter and have no indication that Mark Justin Moore currently lives or works at this address.

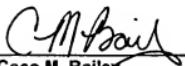
4. On March 1, 2010, I corresponded with Mr. Rigueiro again, who informed me that he was not able to locate Mark Justin Moore, nor did he find any information on Mark Justin Moore in the various websites searched.

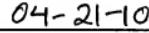
5. On March 10, 2010, I again contacted Mr. Rigueiro to request that he again send the letter via certified mail.

6. On March 23, 2010, Mr. Rigueiro informed me that the letter was sent via certified mail on March 12, 2010. However, no response to the letter has been received. Mr. Rigueiro does not have proof of receipt by Mark Justin Moore of the certified letter.

**DECLARATION**

I hereby declare that all statements made herein are of my own knowledge are true and that all statements are made on information and belief and are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
\_\_\_\_\_  
Coco M. Bailey

  
\_\_\_\_\_  
Date

## EXHIBIT C9

**Bonner, Tony**

**From:** Danielle.Qualey@sita.aero  
**Sent:** Wednesday, April 14, 2010 1:50 PM  
**To:** Schafer, Tina  
**Cc:** Bonner, Tony; Qualey, Paul  
**Subject:** Re: FW: 60707-1330 International Call Looking for Mark Justin Moore

Hi Tina,

Per your email, I called this company Partal Maresma & Associates in Barcelona, I spoke with one of their associate, and the office manager, both of them confirmed that they do not have Mark Justin Moore in the office, and this gentleman never worked with them, they never heard about him...

Best regards,

**Danielle Qualey**

Executive Assistant to Jim Peters, CTO

SITA Advance Technology Office

✉ E-Mail: [Danielle.Qualey@sita.aero](mailto:Danielle.Qualey@sita.aero)  
☎ Direct: +1 770 612 4779  
☎ CVS: 7 224 4779  
☎ Mobile: +1 404 536 7383  
☎ Fax: +1 770 612 2208  
✉ Address: 3100 Cumberland Boulevard, Suite 1200, Atlanta, GA 30339, USA  
✉ Web: [www.sita.aero](http://www.sita.aero)



"Qualey, Paul" <[paul.qualey@tkhr.com](mailto:paul.qualey@tkhr.com)>

04/14/2010 01:29 PM

To <[Danielle.Qualey@sita.aero](mailto:Danielle.Qualey@sita.aero)>

cc

Subject FW: 60707-1330 International Call Looking for Mark Justin Moore

---

**From:** Schafer, Tina  
**Sent:** Wednesday, April 14, 2010 12:17 PM  
**To:** Qualey, Paul  
**Cc:** Bonner, Tony  
**Subject:** 60707-1330 International Call Looking for Mark Justin Moore

Hi Danielle,

Thank you so much for helping us out! We are trying to locate Mark Justin Moore. According to our Foreign Associate he is employed at

Partal Maresma I Associats S.I.  
C/ Ferlandina, 43, 08001 Barcelona, Spain  
Phone # (with international code) 011 34 93 442 64 39

We need to know if he still works there.

If so - When will he be available for me to call and does he have a direct line? If he does not have a direct line can you let the receptionist know that I will be calling to ask for him.

If he no longer works there - Do they have any forwarding information for him? Address, Phone Number, and/or new employer.

Since it is almost 6 in Spain we can try tomorrow morning.

Thanks,

Tina Schafer  
Legal Assistant

**Thomas | Kayden**  
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP

600 Galleria Pkwy SE  
Suite 1500  
Atlanta, Georgia 30339-5994  
Phone: (770) 933-9500  
Fax: (770) 951-0933  
[tkhr.com](http://tkhr.com)

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# EXHIBIT C10



Atlanta, Georgia | Fort Collins, Colorado

February 12, 2010

**Via Federal Express Delivery – Signature Required**

Mr. Mark Justin Moore

C/Ferlandina 43- 4°2<sup>a</sup>, 08001 Barcelona, Spain

RE: U.S. Utility Patent Application

Title: OPERATING SYSTEM FOR EXECUTING COMPUTER SOFTWARE APPLICATIONS

Serial No.: 10/642,309; Filing Date: August 18, 2003

Inventor: Mark Justin Moore

Our Docket No.: 060707-1330; Client Ref.: GV216

Dear Mr. Moore:

My name is Tony Bonner. I am a patent attorney with the law firm of Thomas|Kayden. I am currently prosecuting a patent application (Serial Number 10/642,309) on which you are an inventor.

Apparently, when the case was filed, there was a slight error in the documents that you signed and the US Patent Office is requesting that you re-sign these documents. While we can proceed without this signature, it would be much easier for everyone if you could re-sign the attached documents (with witness signatures where appropriate).

For your convenience, I have attached the filed application, a new assignment, and a new declaration for you to sign. If you could review the application to ensure that this is the application that represents your invention and (if this is that application), sign the attached declaration (including filling in your address and citizenship) and assignment, I would sincerely appreciate it. Return via fax or email will be the easiest method of response.

If you have any questions whatsoever, feel free to contact me at any time.

Very truly yours,

**THOMAS, KAYDEN, HORSTEMEYER,  
& RISLEY, L.L.P.**

A handwritten signature in black ink, appearing to read "Tony B" followed by a stylized surname.

Anthony F. Bonner, Jr.  
tony.bonner@tkhr.com

SAH/cmb  
Enclosure

## Detailed Results

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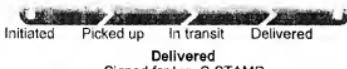
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Select time format: 12H | 24H

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#### Shipment Dates

Ship date  Feb 12, 2010  
Delivery date  Feb 19, 2010 11:10 AM

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BARCELONA ES  
Proof of Delivery

#### Shipment Facts

Service type	Priority Envelope	Delivered to	Receptionist/Front Desk
Weight	1.0 lbs/.5 kg	Reference	60707-1330

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